

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

JILL D. CHASKA
a.k.a. JILL D KENNEDY-CHASKA
a.k.a. JILL DIANE KENNEDY
a.k.a. JILL SIPPEL
a.k.a. JILL DIANE GUILMETTE
81490 Joshua Tree Court
La Quinta, CA 92253

Registered Nurse License No. **217059**
Nurse Practitioner Certificate No. **7681**
Nurse Practitioner Furnishing Certificate No.
7681

Respondent

Case No. 2012-149

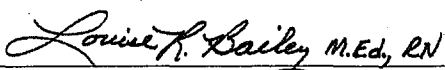
**STIPULATED SURRENDER
OF LICENSE AND ORDER**

DECISION AND ORDER

The attached Stipulated
Surrender of License and Order is hereby adopted by the Board of Registered
Nursing, Department of Consumer Affairs, as its Decision in this matter.

IT IS SO ORDERED **October 03, 2012.**

This Decision shall become effective on **October 03, 2012.**



Louise R. Bailey, M.ED., R.N. Executive Officer
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Stipulated Settlement and
Disciplinary Order Against:

Case No. 2012-149

JILL D. CHASKA,
AKA JILL D KENNEDY-CHASKA
AKA JILL DIANE KENNEDY,
AKA JILL SIPPEL,
AKA JILL DIANE GUILMETTE
81490 Joshua Tree Court
La Quinta, CA 92253

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Registered Nurse License No. 217059
Nurse Practitioner Certificate No. 7681
Nurse Practitioner Furnishing Certificate No. 7681

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties that
the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing, who brought this action solely in her official capacity.

2. Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy, aka
Jill Sippel, aka Jill Diane Guilmette (Respondent), is representing herself in this proceeding and
has chosen not to exercise her right to be represented by counsel.

3. On or about July 31, 1971, the Board issued Registered Nurse License
No. 217059 to Jill D. Chaske, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy, aka Jill
Sippel, aka Jill Diane Guilmette (Respondent). The Registered Nurse License was in full force
and effect at all times relevant to the charges brought in Accusation No. 2012-149, and will
expire on February 28, 2013, unless renewed.

4. On or about July 12, 1995, the Board issued Nurse Practitioner Certificate
No. 7681 to Jill D. Chaske, aka Jill D. Kennedy-Chaska, aka Jill D. Kennedy, aka Jill Sippel, aka
Jill Diane Guilmette (Respondent). The Nurse Practitioner Certificate was in full force and

effect at all times relevant to the charges brought in Accusation No. 2012-149, and will expire on February 28, 2013, unless renewed.

5. On or about July 30, 1996, the Board issued Nurse Practitioner Furnishing Certificate No. 7681 to Jill D. Chaske, aka Jill D. Kennedy-Chaska, aka Jill D. Kennedy, aka Jill Sippel, aka Jill Diane Guilmette (Respondent). The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-149, and will expire on February 28, 2013, unless renewed.

JURISDICTION

6. On August 9, 2012, the Board of Registered Nursing adopted Stipulated Settlement and Disciplinary Order No. 2012-149, which became effective on September 10, 2012. The Stipulated Settlement and Disciplinary Order requires, inter alia, the respondent to serve a 3-year probation term that includes Probation Conditions # 1-19. The Stipulated Settlement and Disciplinary Order is attached as exhibit A and incorporated herein by reference.

7. At all times after the effective date of Respondent's probation, Condition 13 states,

"License Surrender. During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement

no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness."

ADVISEMENT AND WAIVERS

8 Respondent has carefully read and understands Stipulated Settlement and Disciplinary Order No. 2012-149, Respondent has carefully read, and understands the effects of this Stipulated Surrender of License and Order and understands that this Stipulated Surrender, if accepted by the Board, is considered as formal discipline of her license.

9 Respondent understands that by signing this stipulation she enables the Board to accept the surrender of his Registered Nurse License without further process.

CONTINGENCY

10 This stipulation shall be subject to approval by the Board of Registered Nursing. The Respondent understands and agrees that by signing this Stipulated Surrender of License and Order, she may not withdraw her agreement or seek to rescind the stipulation prior to the date it becomes effective. If the Board declines to accept this stipulation as its Decision and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11 This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

12 The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

1 13. In consideration of the foregoing stipulations, the parties agree that the
2 Board may, without further notice or formal proceeding, issue and enter the following Order:

3 **ORDER**

4 IT IS HEREBY ORDERED that Registered Nurse License No. 217059, Nurse
5 Practitioner Certificate No. 7681 and Nurse Practitioner Furnishing Certificate No. 7681 issued
6 to Respondent Jill D. Chaske, aka Jill D. Kennedy-Chaska, aka Jill D. Kennedy, aka Jill Sippel,
7 aka Jill Diane Guilmette is surrendered and the surrender is accepted by the Board of
8 Registered Nursing.

9 14. The surrender of Respondent's Registered Nurse License, Nurse
10 Practitioner Certificate, Nurse Practitioner Furnishing Certificate and the acceptance of the
11 surrendered license and certificate's by the Board shall constitute the imposition of discipline
12 against Respondent. This stipulation constitutes a record of the discipline and shall become a
13 part of Respondent's license history with the Board.

14 15. Respondent shall lose all rights and privileges as a Registered Nurse,
15 Nurse Practitioner, Nurse Practitioner Furnishing in California as of the effective date of the
16 Board's Decision and Order.

17 16. Respondent shall cause to be delivered to the Board both her pocket
18 license and wall certificate, if one was issued, on or before the effective date of the Decision
19 and Order.

20 17. Respondent fully understands and agrees that if she ever files an application for
21 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
22 petition for reinstatement. Respondent must comply with all the laws, regulations and
23 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
24 of the charges and allegations contained in Accusation No. 2012-149 shall be deemed to be true,
25 correct and admitted by Respondent when the Board determines whether to grant or deny the
26 petition.

1 18. Upon reinstatement of the license by the Board, Respondent shall pay to
2 the Board costs associated with its investigation and enforcement pursuant to Business and
3 Professions Code section 125.3 in the amount of \$2692.50 which is the amount currently
4 owed pursuant to Stipulated Settlement and Disciplinary Order No. 2012-149 (Exhibit A). If
5 the reinstatement of Respondent's license is granted, Respondent shall be permitted to pay
6 these costs in a payment plan approved by the Board.


7 19. Respondent shall not apply for licensure or petition for reinstatement for
8 1 year from the effective date of the Board of Registered Nursing's Decision and Order.
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License, Nurse Practitioner and Nurse Practitioner Furnishing Certificates. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: Sept. 25, 2012.




JILL D. CHASKA
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully accepted by Louise R. Bailey, M.Ed., R.N. (Complainant) is the Executive Officer for the Board of Registered Nursing.

DATED: OCTOBER 03, 2012.



Louise R. Bailey, M.Ed., R.N.
Executive Officer

BOARD OF REGISTERED NURSING

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JILL D. CHASKA, aka
JILL D. KENNEDY-CHASKA, aka
JILL DIANE KENNEDY, aka
JILL SIPPEL, aka
JILL DIANE GUILMETTE

Case No. 2012-149

Registered Nurse License No. 217059
Nurse Practitioner Certificate No. 7681
Nurse Practitioner Furnishing Certificate No. 7681

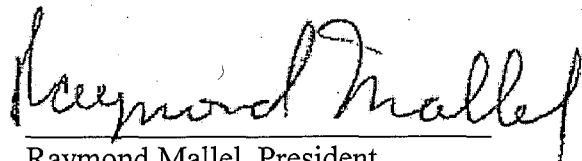
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 10, 2012.**

IT IS SO ORDERED **August 9, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **JILL D. CHASKA,**
13 **AKA JILL D. KENNEDY-CHASKA,**
14 **AKA JILL DIANE KENNEDY,**
15 **AKA JILL SIPPEL,**
16 **AKA JILL DIANE GUILMETTE**
81490 Joshua Tree Court
La Quinta, CA 92253

17 Registered Nurse License No. 217059
Nurse Practitioner Certificate No. 7681
18 Nurse Practitioner Furnishing Certificate No. 7681

19 Respondent.

Case No. 2012-149

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
24 Board of Registered Nursing (Board). She brought this action solely in her official capacity and
25 is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
26 Antoinette B. Cincotta, Deputy Attorney General.

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1 2. Respondent Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy, aka
2 Jill Sippel, aka Jill Diane Guilmette (Respondent) is represented in this proceeding by attorney
3 Melanie Balestra, Esq., whose address is: 2424 S.E. Bristol St., Ste. 300, Newport Beach, CA
4 92660-0764.

5 3. On or about July 31, 1971, the Board issued Registered Nurse License No. 217059 to
6 Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy, aka Jill Sippel, aka Jill
7 Diane Guilmette (Respondent). The Registered Nurse License was in full force and effect at all
8 times relevant to the charges brought in Accusation No. 2012-149, and will expire on February
9 28, 2013, unless renewed.

10 4. On or about July 12, 1995, the Board of Registered Nursing issued Nurse Practitioner
11 Certificate No. 7681 to Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy, aka
12 Jill Sippel, aka Jill Diane Guilmette (Respondent). The Nurse Practitioner Certificate was in full
13 force and effect at all times relevant to the charges brought in Accusation No. 2012-149, and will
14 expire on February 28, 2013, unless renewed.

15 5. On or about July 30, 1996, the Board of Registered Nursing issued Nurse Practitioner
16 Furnishing Certificate No. 7681 to Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane
17 Kennedy, aka Jill Sippel, aka Jill Diane Guilmette (Respondent). The Nurse Practitioner
18 Furnishing Certificate was in full force and effect at all times relevant to the charges brought in
19 Accusation No. 2012-149, and will expire on February 28, 2013, unless renewed.

20 JURISDICTION

21 6. Accusation No. 2012-149 was filed before the Board, and is currently pending against
22 Respondent. The Accusation and all other statutorily required documents were properly served
23 on Respondent on September 7, 2011. Respondent timely filed her Notice of Defense contesting
24 the Accusation. A copy of Accusation No. 2012-149 is attached as Exhibit A, and incorporated
25 herein by reference.

26 ADVISEMENT AND WAIVERS

27 7. Respondent has carefully read, fully discussed with counsel, and understands the
28 charges and allegations in Accusation No. 2012-149. Respondent has also carefully read, fully

1 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
2 Order.

3 8. Respondent is fully aware of her legal rights in this matter, including the right to a
4 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
5 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
6 to the issuance of subpoenas to compel the attendance of witnesses and the production of
7 documents; the right to reconsideration and court review of an adverse decision; and all other
8 rights accorded by the California Administrative Procedure Act and other applicable laws.

9 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
10 every right set forth above.

11 CULPABILITY

12 10. Respondent admits the truth of each and every charge and allegation in Accusation
13 No. 2012-149.

14 11. Respondent agrees that her Registered Nurse License is subject to discipline and she
15 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

16 RESERVATION

17 12. The admissions made by Respondent herein are only for the purposes of this
18 proceeding, or any other proceedings in which the Board of Registered Nursing or other
19 professional licensing agency is involved, and shall not be admissible in any other criminal or
20 civil proceeding.

21 CONTINGENCY

22 13. This stipulation shall be subject to approval by the Board. Respondent understands
23 and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may
24 communicate directly with the Board regarding this stipulation and settlement, without notice to
25 or participation by Respondent or her counsel. By signing the stipulation, Respondent
26 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation
27 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
28 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or

effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 217059, Nurse Practitioner Certificate No. 7681, and Nurse Practitioner Furnishing Certificate No. 7681 issued to Respondent Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy, aka Jill Sippel, aka Jill Diane Guilmette are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with

1 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
2 45 days of the effective date of the decision, unless previously submitted as part of the licensure
3 application process.

4 **Criminal Court Orders:** If Respondent is under criminal court orders, including
5 probation or parole, and the order is violated, this shall be deemed a violation of these probation
6 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

7 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
8 the conditions of the Probation Program established by the Board and cooperate with
9 representatives of the Board in its monitoring and investigation of the Respondent's compliance
10 with the Board's Probation Program. Respondent shall inform the Board in writing within no
11 more than 15 days of any address change and shall at all times maintain an active, current license
12 status with the Board, including during any period of suspension.

13 Upon successful completion of probation, Respondent's license shall be fully restored.

14 3. **Report in Person.** Respondent, during the period of probation, shall appear in
15 person at interviews/meetings as directed by the Board or its designated representatives.

16 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
17 practice as a registered nurse outside of California shall not apply toward a reduction of this
18 probation time period. Respondent's probation is tolled, if and when she resides outside of
19 California. Respondent must provide written notice to the Board within 15 days of any change of
20 residency or practice outside the state, and within 30 days prior to re-establishing residency or
21 returning to practice in this state.

22 Respondent shall provide a list of all states and territories where she has ever been licensed
23 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
24 information regarding the status of each license and any changes in such license status during the
25 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
26 license during the term of probation.

27 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
28 or cause to be submitted such written reports/declarations and verification of actions under

1 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
2 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
3 Respondent shall immediately execute all release of information forms as may be required by the
4 Board or its representatives.

5 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
6 state and territory in which she has a registered nurse license.

7 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
8 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
9 6 consecutive months or as determined by the Board.

10 For purposes of compliance with the section, "engage in the practice of registered nursing"
11 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
12 non-direct patient care position that requires licensure as a registered nurse.

13 The Board may require that advanced practice nurses engage in advanced practice nursing
14 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 shall apply.

21 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
22 prior approval from the Board before commencing or continuing any employment, paid or
23 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
24 performance evaluations and other employment related reports as a registered nurse upon request
25 of the Board.

26 Respondent shall provide a copy of this Decision to her employer and immediate
27 supervisors prior to commencement of any nursing or other health care related employment.

28 In addition to the above, Respondent shall notify the Board in writing within seventy-two

(72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

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1 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
2 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
3 or for an in-house nursing pool.

4 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
5 registered nursing supervision and other protections for home visits have been approved by the
6 Board. Respondent shall not work in any other registered nursing occupation where home visits
7 are required.

8 Respondent shall not work in any health care setting as a supervisor of registered nurses.
9 The Board may additionally restrict Respondent from supervising licensed vocational nurses
10 and/or unlicensed assistive personnel on a case-by-case basis.

11 Respondent shall not work as a faculty member in an approved school of nursing or as an
12 instructor in a Board approved continuing education program.

13 Respondent shall work only on a regularly assigned, identified and predetermined
14 worksite(s) and shall not work in a float capacity.

15 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
16 request documentation to determine whether there should be restrictions on the hours of work.

17 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
18 successfully complete a course(s) relevant to the practice of registered nursing no later than six
19 months prior to the end of her probationary term.

20 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
21 Respondent shall submit to the Board the original transcripts or certificates of completion for the
22 above required course(s). The Board shall return the original documents to Respondent after
23 photocopying them for its records.

24 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
25 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
26 amount of \$2,692.50. Respondent shall be permitted to pay these costs in a payment plan
27 approved by the Board, with payments to be completed no later than three months prior to the end
28 of the probation term.

1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one year extension, all original conditions of probation
6 will apply.

7 **12. Violation of Probation.** If Respondent violates the conditions of her probation, the
8 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
9 and impose the stayed discipline (revocation/suspension) of Respondent's license.

10 If during the period of probation, an accusation or petition to revoke probation has been
11 filed against Respondent's license or the Attorney General's Office has been requested to prepare
12 an accusation or petition to revoke probation against Respondent's license, the probationary
13 period shall automatically be extended and shall not expire until the accusation or petition has
14 been acted upon by the Board.

15 **13. License Surrender.** During Respondent's term of probation, if she ceases practicing
16 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
17 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
18 Respondent's request and to exercise its discretion whether to grant the request, or to take any
19 other action deemed appropriate and reasonable under the circumstances, without further hearing.
20 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
21 subject to the conditions of probation.

22 Surrender of Respondent's license shall be considered a disciplinary action and shall
23 become a part of Respondent's license history with the Board. A registered nurse whose license
24 has been surrendered may petition the Board for reinstatement no sooner than the following
25 minimum periods from the effective date of the disciplinary decision:

26 (1) Two years for reinstatement of a license that was surrendered for any reason other
27 than a mental or physical illness; or

28 (2) One year for a license surrendered for a mental or physical illness.

1 **14. Physical Examination.** Within 45 days of the effective date of this Decision,
2 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
3 assistant, who is approved by the Board before the assessment is performed, submit an
4 assessment of the Respondent's physical condition and capability to perform the duties of a
5 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
6 medically determined, a recommended treatment program will be instituted and followed by the
7 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
8 to the Board on forms provided by the Board.

9 If Respondent is determined to be unable to practice safely as a registered nurse, the
10 licensed physician, nurse practitioner, or physician assistant making this determination shall
11 immediately notify the Board and Respondent by telephone, and the Board shall request that the
12 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
13 immediately cease practice and shall not resume practice until notified by the Board. During this
14 period of suspension, Respondent shall not engage in any practice for which a license issued by
15 the Board is required until the Board has notified Respondent that a medical determination
16 permits Respondent to resume practice. This period of suspension will not apply to the reduction
17 of this probationary time period.

18 If Respondent fails to have the above assessment submitted to the Board within the 45-day
19 requirement, Respondent shall immediately cease practice and shall not resume practice until
20 notified by the Board. This period of suspension will not apply to the reduction of this
21 probationary time period. The Board may waive or postpone this suspension only if significant,
22 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
23 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
24 Only one such waiver or extension may be permitted.

25 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**
26 Respondent, at her expense, shall successfully complete during the probationary period or shall
27 have successfully completed prior to commencement of probation a Board-approved
28 treatment/rehabilitation program of at least six months duration. As required, reports shall be

submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

16. Abstain from Use of Psychotropic (Mood-Altering) Drugs. Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

1 The Board may require the single coordinating physician, nurse practitioner, or physician
2 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
3 medicine.

4 17. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
5 random, biological fluid testing or a drug screening program which the Board approves. The
6 length of time and frequency will be subject to approval by the Board. Respondent is responsible
7 for keeping the Board informed of Respondent's current telephone number at all times.
8 Respondent shall also ensure that messages may be left at the telephone number when she is not
9 available and ensure that reports are submitted directly by the testing agency to the Board, as
10 directed. Any confirmed positive finding shall be reported immediately to the Board by the
11 program and Respondent shall be considered in violation of probation.

12 In addition, Respondent, at any time during the period of probation, shall fully cooperate
13 with the Board or any of its representatives, and shall, when requested, submit to such tests and
14 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
15 hypnotics, dangerous drugs, or other controlled substances.

16 If Respondent has a positive drug screen for any substance not legally authorized and not
17 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
18 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
19 practice pending the final decision on the petition to revoke probation or the accusation. This
20 period of suspension will not apply to the reduction of this probationary time period.

21 If Respondent fails to participate in a random, biological fluid testing or drug screening
22 program within the specified time frame, Respondent shall immediately cease practice and shall
23 not resume practice until notified by the Board. After taking into account documented evidence
24 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
25 suspend Respondent from practice pending the final decision on the petition to revoke probation
26 or the accusation. This period of suspension will not apply to the reduction of this probationary
27 time period.

28 ///

1 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
2 of this Decision, have a mental health examination including psychological testing as appropriate
3 to determine her capability to perform the duties of a registered nurse. The examination will be
4 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
5 the Board. The examining mental health practitioner will submit a written report of that
6 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
7 Recommendations for treatment, therapy or counseling made as a result of the mental health
8 examination will be instituted and followed by Respondent.

9 If Respondent is determined to be unable to practice safely as a registered nurse, the
10 licensed mental health care practitioner making this determination shall immediately notify the
11 Board and Respondent by telephone, and the Board shall request that the Attorney General's
12 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
13 practice and may not resume practice until notified by the Board. During this period of
14 suspension, Respondent shall not engage in any practice for which a license issued by the Board
15 is required, until the Board has notified Respondent that a mental health determination permits
16 Respondent to resume practice. This period of suspension will not apply to the reduction of this
17 probationary time period.

18 If Respondent fails to have the above assessment submitted to the Board within the 45-day
19 requirement, Respondent shall immediately cease practice and shall not resume practice until
20 notified by the Board. This period of suspension will not apply to the reduction of this
21 probationary time period. The Board may waive or postpone this suspension only if significant,
22 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
23 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
24 Only one such waiver or extension may be permitted.

25 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in
26 an on-going counseling program until such time as the Board releases her from this requirement
27 and only upon the recommendation of the counselor. Written progress reports from the counselor
28 will be required at various intervals.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Melanie Balestra, Esq. I understand the stipulation and the effect it will have on my Registered Nurse License, and Nurse Practitioner Certificate, and Nurse Practitioner Furnishing Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: March 6, 2012

Jill D. Chaska
JILL D. CHASKA,
AKA JILL D. KENNEDY-CHASKA,
AKA JILL DIANE KENNEDY,
AKA JILL SIPPEL,
AKA JILL DIANE GUILMETTE
Respondent

I have read and fully discussed with Respondent Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy, aka Jill Sippel, aka Jill Diane Guilmette the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: March 7, 2012

Melanie Balestra
MELANIE BALESTRA, ESQ.
Attorney for Respondent

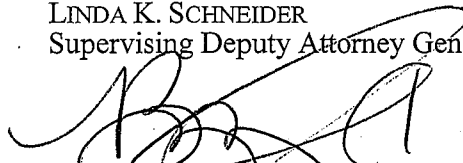
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 3/13/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



ANTONETTE B. CINCOTTA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-149

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
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3 LINDA K. SCHNEIDER
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-149**
ACCUSATION

12 **JILL D. CHASKA,**
13 **AKA JILL D. KENNEDY-CHASKA,**
14 **AKA JILL DIANE KENNEDY,**
15 **AKA JILL SIPPEL,**
16 **AKA JILL DIANE GUILMETTE**
81490 Joshua Tree Court
La Quinta, CA 92253

17 **Registered Nurse License No. 217059**
18 **Nurse Practitioner Certificate No. 7681**
19 **Nurse Practitioner Furnishing Certificate**
20 **No. 7681**

Respondent.

21
22 Complainant alleges:

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
25 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
26 Consumer Affairs.

27 2. On or about July 31, 1971, the Board of Registered Nursing issued Registered Nurse
28 License Number 217059 to Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy,

1 aka Jill Sippel, aka Jill Diane Guilmette (Respondent). The Registered Nurse License was in full
2 force and effect at all times relevant to the charges brought herein and will expire on February 28,
3 2013, unless renewed.

4 3. On or about July 12, 1995, the Board of Registered Nursing issued Nurse Practitioner
5 Certificate Number 7681 to Respondent. The Nurse Practitioner Certificate was in full force and
6 effect at all times relevant to the charges brought herein and will expire on February 28, 2013,
7 unless renewed.

8 4. On or about July 30, 1996, the Board of Registered Nursing issued Nurse Practitioner
9 Furnishing Certificate Number 7681 to Respondent. The Nurse Practitioner Furnishing
10 Certificate was in full force and effect at all times relevant to the charges brought herein and will
11 expire on February 28, 2013, unless renewed.

12 JURISDICTION

13 5. This Accusation is brought before the Board of Registered Nursing (Board),
14 Department of Consumer Affairs, under the authority of the following laws. All section
15 references are to the Business and Professions Code unless otherwise indicated.

16 6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
17 that the Board may discipline any licensee, including a licensee holding a temporary or an
18 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
19 Nursing Practice Act.

20 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
22 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
23 Code, the Board may renew an expired license at any time within eight years after the expiration.

24 STATUTORY PROVISIONS

25 8. Section 482 of the Code states:

26 "Each board under the provisions of this code shall develop criteria to evaluate the
27 rehabilitation of a person when:

28 "(a) Considering the denial of a license by the board under Section 480; or

1 “(b) Considering suspension or revocation of a license under Section 490.

2 “Each board shall take into account all competent evidence of rehabilitation furnished by
3 the applicant or licensee.”

4 9. Section 490 of the Code provides that a board may suspend or revoke a license on the
5 ground that the licensee has been convicted of a crime substantially related to the qualifications,
6 functions, or duties of the business or profession for which the license was issued.

7 10. Section 493 of the Code states:

8 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
9 the department pursuant to law to deny an application for a license or to suspend or revoke a
10 license or otherwise take disciplinary action against a person who holds a license, upon the
11 ground that the applicant or the licensee has been convicted of a crime substantially related to the
12 qualifications, functions, and duties of the licensee in question, the record of conviction of the
13 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
14 and the board may inquire into the circumstances surrounding the commission of the crime in
15 order to fix the degree of discipline or to determine if the conviction is substantially related to the
16 qualifications, functions, and duties of the licensee in question.

17 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
18 'registration.'"

19 11. Section 2761 of the Code states:

20 "The board may take disciplinary action against a certified or licensed nurse or deny an
21 application for a certificate or license for any of the following:

22 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

23 "....

24 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
25 functions, and duties of a registered nurse, in which event the record of the conviction shall be
26 conclusive evidence thereof.

27 "...."

28 ///

1 12. Section 2762 of the Code states:

2 “In addition to other acts constituting unprofessional conduct within the meaning of this
3 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
4 following:

5 “....

6 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her
10 ability to conduct with safety to the public the practice authorized by his or her license.

11 “(c) Be convicted of a criminal offense involving the prescription, consumption, or self-
12 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
13 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
14 of this section, in which event the record of the conviction is conclusive evidence thereof.

15 “....”

16 13. Section 2765 of the Code states:

17 “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
18 charge substantially related to the qualifications, functions and duties of a registered nurse is
19 deemed to be a conviction within the meaning of this article. The board may order the license or
20 certificate suspended or revoked, or may decline to issue a license or certificate, when the time
21 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an
22 order granting probation is made suspending the imposition of sentence, irrespective of a
23 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person
24 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
25 of guilty, or dismissing the accusation, information or indictment.”

26 ///

27 ///

28 ///

REGULATIONS

14. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

15. California Code of Regulations, title 16, section 1445 provides:

"....

"(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

"(1) Nature and severity of the act(s) or offense(s).

"(2) Total criminal record.

"(3) The time that has elapsed since commission of the act(s) or offense(s).

"(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

"(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

"(6) Evidence, if any, of rehabilitation submitted by the licensee."

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COST RECOVERY

16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(November 29, 2004, Conviction for DUI on August 13, 2003)

17. Respondent is subject to disciplinary action under Code sections 490 and 2761, subdivision (f), on the grounds that she was convicted of a crime that is substantially related to the qualifications, functions and duties as a registered nurse. The circumstances are as follows:

a. On November 29, 2004, in a criminal case entitled, *The People of the State of California v. Jill Diane Kennedy aka Jill Diane Guilmette aka Jill Dianne Kennedy*, Orange County Superior Court, Harbor Justice Center, Laguna Niguel Facility case number 04SM01736, Respondent was originally charged with violating Vehicle Code section 23153, subdivision (a), driving under the influence of alcohol/drugs causing bodily injury, a misdemeanor; Vehicle Code section 23153, subdivision (b), driving with blood alcohol .08 percent or more causing injury, a misdemeanor, with an enhancement pursuant to Vehicle Code section 23578, for blood alcohol concentration (BAC) of .20 percent or more; and violation of Vehicle Code section 21801, subdivision (a), failure to yield on turning left, an infraction. She was convicted on her plea of guilty of violating Vehicle Code section 23153, subdivision (b), and the other charges were dismissed as a result of a plea bargain.

b. The facts that led to the conviction are that on August 13, 2003, Respondent turned left in front of another driver causing an injury traffic collision at the intersection of Golden Lantern and Duchess in the city of Laguna Niguel, California. When an Orange County Sheriff officer investigated the accident and talked with Respondent, he noticed a strong odor of an alcoholic beverage, that Respondent slurred her words as she spoke to him, and had bloodshot watery eyes, an unstable gait and disheveled clothing. Respondent's vitals appeared unstable so

1 she was transported in an ambulance to Mission Hospital for further examination, where a blood
2 sample was drawn.

3 c. As a result of the conviction, Respondent was sentenced to 3 years informal
4 probation, and ordered to serve 10 days in Orange County Jail with credit for 1 day time served;
5 remain on the SCRAM monitoring device¹ for another 30 days (Respondent enrolled in the
6 Diversified Monitoring Services SCRAM program on July 14, 2004, and was also attending AA
7 meetings while on OR release); continue to attend 5 alcoholic anonymous meetings per week for
8 1 year; complete a 9 month, level 2, first offender program; complete the Rim (RIM) Family
9 Services' 9 month, 1st offender program; complete a Mothers Against Drunk Driving (MADD)
10 Victim's Impact Panel program, and other conditions including paying restitution to the victim.
11 On June 2, 2005, Respondent violated probation by being terminated from the RIM Family
12 Services' 9 month, first offender program as a result of being physically or verbally abusive to
13 program staff or other program participants. The Court allowed Respondent to transfer into a
14 different 9 month program on June 15, 2005, with all other terms and conditions of probation to
15 remain the same.

16 SECOND CAUSE FOR DISCIPLINE

17 (March 12, 2008, Conviction for DUI on April 22, 2006)

18 18. Respondent is subject to disciplinary action under Code sections 490 and 2761,
19 subdivision (f), on the grounds that she was convicted of a crime that is substantially related to
20 the qualifications, functions and duties of a registered nurse. The circumstances are as follows:

21 a. On March 12, 2008, in a criminal case entitled *The People of the State of California*
22 *v. Jill Diane Chaska*, San Bernardino case number TTP045244, Respondent was charged with
23 violating Vehicle Code section 23152, subdivisions (a) and (b), driving under the influence and
24 driving with .08 percent or higher BAC. As a result of a plea bargain, Respondent was convicted

25
26 ¹ A SCRAM device is a tool used by courts to monitor a client's blood alcohol content. It
27 is worn around one's ankle and takes samples of perspiration every 30 minutes to monitor and
28 report blood alcohol levels. Data from the device is transmitted to the SCRAM company at least
once a day. If alcohol consumption is indicated, the data is forwarded to SCRAM technicians who
verify the drinking event before alerting court officials.

1 on her plea of guilty of violating Vehicle Code section 23152, subdivision (b), and the other
2 charge was dismissed.

3 b. The circumstances that led to the conviction are that on April 22, 2006, Respondent
4 had dinner and drinks at a friend's house and drove home afterwards. As Respondent was
5 attempting to pull into a parking lot, she struck the parking lot entrance pole, damaging her front
6 headlight and fender. The CHP arrived at the scene, tested her with a breathalyzer, and cited her
7 for driving under the influence of alcohol.

8 c. As a result of the conviction, Respondent was sentenced to 36 months of probation,
9 and ordered to serve 30 days in a San Bernardino County Jail facility, with credit for 1 day time
10 served, plus conduct credit pursuant to Penal Code section 4019, and various other conditions.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Using Alcohol to a Dangerous Extent)**

13 19. Respondent's license is subject to discipline under Code section 2762,
14 subdivision (b), in that Respondent used alcohol to an extent dangerous to herself and others by
15 drinking and then driving as is set forth in paragraphs 17 and 18, above, which are incorporated
16 by this reference.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Criminal Convictions Involving the Consumption of Alcohol)**

19 20. Respondent's license is subject to discipline under Code section 2762,
20 subdivision (c), in that Respondent was convicted of criminal offenses involving the consumption
21 of alcohol as is set forth in paragraphs 17 and 18, above, which are incorporated by this reference.

22 **DISCIPLINARY CONSIDERATIONS**

23 21. To determine the degree of discipline to be imposed, if any, pursuant to title 16,
24 California Code of Regulations, section 1445, subdivision (b), Complainant alleges that in 1989,
25 Respondent was convicted of driving under the influence of alcohol and hit and run in
26 Orange County, California.

27 22. The circumstances that led to the convictions are that Respondent had several
28 cocktails at home, drove to a local convenience store, and as she was backing up from a parking

1 space at the store, hit the fender of the car parked next to her without realizing it, and then
2 proceeded to drive six blocks back to her home. Respondent was cited for driving while
3 intoxicated and hit and run. As a result of Respondent's guilty plea in Orange County Superior
4 Court, Harbor-Laguna Niguel Facility case number 89SM31824, she was fined and ordered to
5 attend one-on-one personal counseling sessions, attend a meeting at the Laguna Hills Courthouse
6 regarding the hazards of drinking and driving, and attend eight meetings, once per week, to
7 satisfy the court requirements.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 217059, issued to Jill D.
12 Chaska aka Jill D. Kennedy-Chaska aka Jill Diane Kennedy aka Jill Sippel aka Jill Diane
13 Guilmette;

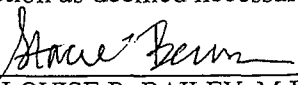
14 2. Revoking or suspending Nurse Practitioner Certificate Number 7681, issued to Jill D.
15 Chaska aka Jill D. Kennedy-Chaska aka Jill Diane Kennedy aka Jill Sippel aka Jill Diane
16 Guilmette;

17 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 7681,
18 issued to Jill D. Chaska aka Jill D. Kennedy-Chaska aka Jill Diane Kennedy aka Jill Sippel aka
19 Jill Diane Guilmette;

20 4. Ordering Jill D. Chaska to pay the Board of Registered Nursing the reasonable costs
21 of the investigation and enforcement of this case, pursuant to Business and Professions Code
22 section 125.3;

23 5. Taking such other and further action as deemed necessary and proper.

24 DATED: September 7, 2011

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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26
27
28 SD2011800917
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1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2012-149

ACCUSATION

12 **JILL D. CHASKA,**
13 **AKA JILL D. KENNEDY-CHASKA,**
14 **AKA JILL DIANE KENNEDY,**
AKA JILL SIPPEL,
15 **AKA JILL DIANE GUILMETTE**
81490 Joshua Tree Court
16 La Quinta, CA 92253

17 Registered Nurse License No. 217059
Nurse Practitioner Certificate No. 7681
18 Nurse Practitioner Furnishing Certificate
No. 7681

19 Respondent.
20

21
22 Complainant alleges:

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
25 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
26 Consumer Affairs.

27 2. On or about July 31, 1971, the Board of Registered Nursing issued Registered Nurse
28 License Number 217059 to Jill D. Chaska, aka Jill D. Kennedy-Chaska, aka Jill Diane Kennedy,

1 aka Jill Sippel, aka Jill Diane Guilmette (Respondent). The Registered Nurse License was in full
2 force and effect at all times relevant to the charges brought herein and will expire on February 28,
3 2013, unless renewed.

4 3. On or about July 12, 1995, the Board of Registered Nursing issued Nurse Practitioner
5 Certificate Number 7681 to Respondent. The Nurse Practitioner Certificate was in full force and
6 effect at all times relevant to the charges brought herein and will expire on February 28, 2013,
7 unless renewed.

8 4. On or about July 30, 1996, the Board of Registered Nursing issued Nurse Practitioner
9 Furnishing Certificate Number 7681 to Respondent. The Nurse Practitioner Furnishing
10 Certificate was in full force and effect at all times relevant to the charges brought herein and will
11 expire on February 28, 2013, unless renewed.

12 JURISDICTION

13 5. This Accusation is brought before the Board of Registered Nursing (Board),
14 Department of Consumer Affairs, under the authority of the following laws. All section
15 references are to the Business and Professions Code unless otherwise indicated.

16 6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
17 that the Board may discipline any licensee, including a licensee holding a temporary or an
18 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
19 Nursing Practice Act.

20 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
22 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
23 Code, the Board may renew an expired license at any time within eight years after the expiration.

24 STATUTORY PROVISIONS

25 8. Section 482 of the Code states:

26 "Each board under the provisions of this code shall develop criteria to evaluate the
27 rehabilitation of a person when:

28 "(a) Considering the denial of a license by the board under Section 480; or

1 “(b) Considering suspension or revocation of a license under Section 490.

2 “Each board shall take into account all competent evidence of rehabilitation furnished by
3 the applicant or licensee.”

4 9. Section 490 of the Code provides that a board may suspend or revoke a license on the
5 ground that the licensee has been convicted of a crime substantially related to the qualifications,
6 functions, or duties of the business or profession for which the license was issued.

7 10. Section 493 of the Code states:

8 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
9 the department pursuant to law to deny an application for a license or to suspend or revoke a
10 license or otherwise take disciplinary action against a person who holds a license, upon the
11 ground that the applicant or the licensee has been convicted of a crime substantially related to the
12 qualifications, functions, and duties of the licensee in question, the record of conviction of the
13 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
14 and the board may inquire into the circumstances surrounding the commission of the crime in
15 order to fix the degree of discipline or to determine if the conviction is substantially related to the
16 qualifications, functions, and duties of the licensee in question.

17 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
18 'registration.'"

19 11. Section 2761 of the Code states:

20 "The board may take disciplinary action against a certified or licensed nurse or deny an
21 application for a certificate or license for any of the following:

22 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

23 "....

24 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
25 functions, and duties of a registered nurse, in which event the record of the conviction shall be
26 conclusive evidence thereof.

27 "...."

28 ///

1 12. Section 2762 of the Code states:

2 “In addition to other acts constituting unprofessional conduct within the meaning of this
3 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
4 following:

5 “

6 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her
10 ability to conduct with safety to the public the practice authorized by his or her license.

11 “(c) Be convicted of a criminal offense involving the prescription, consumption, or self-
12 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
13 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
14 of this section, in which event the record of the conviction is conclusive evidence thereof.

15 “”

16 13. Section 2765 of the Code states:

17 “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
18 charge substantially related to the qualifications, functions and duties of a registered nurse is
19 deemed to be a conviction within the meaning of this article. The board may order the license or
20 certificate suspended or revoked, or may decline to issue a license or certificate, when the time
21 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an
22 order granting probation is made suspending the imposition of sentence, irrespective of a
23 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person
24 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
25 of guilty, or dismissing the accusation, information or indictment.”

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28 ///

REGULATIONS

14. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

15. California Code of Regulations, title 16, section 1445 provides:

". . . .

"(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

"(1) Nature and severity of the act(s) or offense(s).

"(2) Total criminal record.

"(3) The time that has elapsed since commission of the act(s) or offense(s).

"(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

"(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

"(6) Evidence, if any, of rehabilitation submitted by the licensee."

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1 **COST RECOVERY**

2 16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(November 29, 2004, Conviction for DUI on August 13, 2003)**

8 17. Respondent is subject to disciplinary action under Code sections 490 and 2761,
9 subdivision (f), on the grounds that she was convicted of a crime that is substantially related to
10 the qualifications, functions and duties as a registered nurse. The circumstances are as follows:

11 a. On November 29, 2004, in a criminal case entitled, *The People of the State of*
12 *California v. Jill Diane Kennedy aka Jill Diane Guilmette aka Jill Dianne Kennedy*, Orange
13 County Superior Court, Harbor Justice Center, Laguna Niguel Facility case number 04SM01736,
14 Respondent was originally charged with violating Vehicle Code section 23153, subdivision (a),
15 driving under the influence of alcohol/drugs causing bodily injury, a misdemeanor; Vehicle Code
16 section 23153, subdivision (b), driving with blood alcohol .08 percent or more causing injury, a
17 misdemeanor, with an enhancement pursuant to Vehicle Code section 23578, for blood alcohol
18 concentration (BAC) of .20 percent or more; and violation of Vehicle Code section 21801,
19 subdivision (a), failure to yield on turning left, an infraction. She was convicted on her plea of
20 guilty of violating Vehicle Code section 23153, subdivision (b), and the other charges were
21 dismissed as a result of a plea bargain.

22 b. The facts that led to the conviction are that on August 13, 2003, Respondent turned
23 left in front of another driver causing an injury traffic collision at the intersection of Golden
24 Lantern and Duchess in the city of Laguna Niguel, California. When an Orange County Sheriff
25 officer investigated the accident and talked with Respondent, he noticed a strong odor of an
26 alcoholic beverage, that Respondent slurred her words as she spoke to him, and had bloodshot
27 watery eyes, an unstable gait and disheveled clothing. Respondent's vitals appeared unstable so
28

1 she was transported in an ambulance to Mission Hospital for further examination, where a blood
2 sample was drawn.

3 c. As a result of the conviction, Respondent was sentenced to 3 years informal
4 probation, and ordered to serve 10 days in Orange County Jail with credit for 1 day time served;
5 remain on the SCRAM monitoring device¹ for another 30 days (Respondent enrolled in the
6 Diversified Monitoring Services SCRAM program on July 14, 2004, and was also attending AA
7 meetings while on OR release); continue to attend 5 alcoholic anonymous meetings per week for
8 1 year; complete a 9 month, level 2, first offender program; complete the Rim (RIM) Family
9 Services' 9 month, 1st offender program; complete a Mothers Against Drunk Driving (MADD)
10 Victim's Impact Panel program, and other conditions including paying restitution to the victim.
11 On June 2, 2005, Respondent violated probation by being terminated from the RIM Family
12 Services' 9 month, first offender program as a result of being physically or verbally abusive to
13 program staff or other program participants. The Court allowed Respondent to transfer into a
14 different 9 month program on June 15, 2005, with all other terms and conditions of probation to
15 remain the same.

16 SECOND CAUSE FOR DISCIPLINE

17 (March 12, 2008, Conviction for DUI on April 22, 2006)

18 18. Respondent is subject to disciplinary action under Code sections 490 and 2761,
19 subdivision (f), on the grounds that she was convicted of a crime that is substantially related to
20 the qualifications, functions and duties of a registered nurse. The circumstances are as follows:

21 a. On March 12, 2008, in a criminal case entitled *The People of the State of California*
22 *v. Jill Diane Chaska*, San Bernardino case number TTP045244, Respondent was charged with
23 violating Vehicle Code section 23152, subdivisions (a) and (b), driving under the influence and
24 driving with .08 percent or higher BAC. As a result of a plea bargain, Respondent was convicted

25
26 ¹ A SCRAM device is a tool used by courts to monitor a client's blood alcohol content. It
27 is worn around one's ankle and takes samples of perspiration every 30 minutes to monitor and
28 report blood alcohol levels. Data from the device is transmitted to the SCRAM company at least
once a day. If alcohol consumption is indicated, the data is forwarded to SCRAM technicians who
verify the drinking event before alerting court officials.

1 on her plea of guilty of violating Vehicle Code section 23152, subdivision (b), and the other
2 charge was dismissed.

3 b. The circumstances that led to the conviction are that on April 22, 2006, Respondent
4 had dinner and drinks at a friend's house and drove home afterwards. As Respondent was
5 attempting to pull into a parking lot, she struck the parking lot entrance pole, damaging her front
6 headlight and fender. The CHP arrived at the scene, tested her with a breathalyzer, and cited her
7 for driving under the influence of alcohol.

8 c. As a result of the conviction, Respondent was sentenced to 36 months of probation,
9 and ordered to serve 30 days in a San Bernardino County Jail facility, with credit for 1 day time
10 served, plus conduct credit pursuant to Penal Code section 4019, and various other conditions.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Using Alcohol to a Dangerous Extent)**

13 19. Respondent's license is subject to discipline under Code section 2762,
14 subdivision (b), in that Respondent used alcohol to an extent dangerous to herself and others by
15 drinking and then driving as is set forth in paragraphs 17 and 18, above, which are incorporated
16 by this reference.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Criminal Convictions Involving the Consumption of Alcohol)**

19 20. Respondent's license is subject to discipline under Code section 2762,
20 subdivision (c), in that Respondent was convicted of criminal offenses involving the consumption
21 of alcohol as is set forth in paragraphs 17 and 18, above, which are incorporated by this reference.

22 **DISCIPLINARY CONSIDERATIONS**

23 21. To determine the degree of discipline to be imposed, if any, pursuant to title 16,
24 California Code of Regulations, section 1445, subdivision (b), Complainant alleges that in 1989,
25 Respondent was convicted of driving under the influence of alcohol and hit and run in
26 Orange County, California.

27 22. The circumstances that led to the convictions are that Respondent had several
28 cocktails at home, drove to a local convenience store, and as she was backing up from a parking

1 space at the store, hit the fender of the car parked next to her without realizing it, and then
2 proceeded to drive six blocks back to her home. Respondent was cited for driving while
3 intoxicated and hit and run. As a result of Respondent's guilty plea in Orange County Superior
4 Court, Harbor-Laguna Niguel Facility case number 89SM31824, she was fined and ordered to
5 attend one-on-one personal counseling sessions, attend a meeting at the Laguna Hills Courthouse
6 regarding the hazards of drinking and driving, and attend eight meetings, once per week, to
7 satisfy the court requirements.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 217059, issued to Jill D.
12 Chaska aka Jill D. Kennedy-Chaska aka Jill Diane Kennedy aka Jill Sippel aka Jill Diane
13 Guilmette;

14 2. Revoking or suspending Nurse Practitioner Certificate Number 7681, issued to Jill D.
15 Chaska aka Jill D. Kennedy-Chaska aka Jill Diane Kennedy aka Jill Sippel aka Jill Diane
16 Guilmette;

17 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 7681,
18 issued to Jill D. Chaska aka Jill D. Kennedy-Chaska aka Jill Diane Kennedy aka Jill Sippel aka
19 Jill Diane Guilmette;

20 4. Ordering Jill D. Chaska to pay the Board of Registered Nursing the reasonable costs
21 of the investigation and enforcement of this case, pursuant to Business and Professions Code
22 section 125.3;

23 5. Taking such other and further action as deemed necessary and proper.

24 DATED: September 7, 2011

for Stacey Brown
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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